

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

G & G CLOSED CIRCUIT EVENTS, LLC,)	Case No. 1:20-cv-01400-JLT-SAB
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS IN FULL TO GRANT IN
v.)	PART AND DENY IN PART DEFENDANT'S
)	MOTION FOR SUMMARY JUDGMENT
ALMA SOSA INFANTE,)	
)	(Docs. 14, 30, 33)
Defendant.)	
)	

G & G Closed Circuit Events, LLC brings this action against Alma Infante for various claims arising from the purportedly unauthorized broadcast of a championship fight program in Defendant's restaurant. The magistrate judge issued findings and recommendations recommending Defendant's motion for summary judgment be granted in part and denied in part. (Doc. 30.)

Defendant filed objections to the findings and recommendations. (Doc. 31.) The filing, however, is more accurately construed as a request to stay the litigation, as Defendant does not raise any actual objections to the findings and recommendations but instead requests the Court stay the litigation, pending the outcome of a number of cases currently on appeal before the Ninth Circuit.¹

¹ Defendant further supplemented this request on March 31, 2022, by filing a "request for judicial notice" of another G & G case filed in this district, 2:21-cv-00355-JAM-CKD, Doc. 18 (E.D. Cal. Mar. 30, 2022), in which the court *sua sponte* stayed the matter after defendant and plaintiff filed cross-motions for summary judgment. (Doc. 33.)

1 Plaintiff opposes the request to stay the litigation. (Doc. 32.) Plaintiff notes that the motion is
 2 untimely and improperly noticed and filed. Plaintiff further takes issue with the fact that Defendant
 3 only seeks to stay the litigation now that a potentially unfavorable decision is issued on Defendant's
 4 own motion for summary judgment. The Court agrees.

5 To the extent that Defendant's "objections" may be construed as a motion to stay, the request is
 6 improperly filed. *See* E.D. Cal. L.R. 230 (requiring all motions be noticed on the motion calendar, and
 7 establishing filing deadlines for briefings). Furthermore, the request to stay is untimely. Defendant
 8 proffers that the action should be stayed because the issue of "whether alleged TV signal piracy statutes
 9 apply to internet streaming transmissions" is currently pending before the Ninth Circuit through several
 10 cases currently on appeal.² But a number of cases being appealed before the Ninth Circuit on the same
 11 purported issue were pending well before the filing of Defendant's motion. Indeed, the findings and
 12 recommendations acknowledge several of these pending appeals before distinguishing the analyses of
 13 those cases from the issue presently before this Court: namely, Defendant's lack of evidentiary support.
 14 (*See* Doc. 30 at 12 n.9; *see, generally, id.* at 11–32.) Defendant proffers no justification for her failure
 15 to seek a stay of the litigation at its outset, rather than waiting until after the filing of a dispositive
 16 motion and the issuance of findings and recommendations on that motion. Accordingly, the request to
 17 stay is denied.

18 According to 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United School Dist.*, 708 F.2d
 19 452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case. Having carefully reviewed
 20 the matter, the Court finds the Findings and Recommendations are supported by the record and proper
 21 analysis. Based upon the foregoing, the Court **ORDERS**:

22 1. The Findings and Recommendations dated February 10, 2022 (Doc. 30) are ADOPTED
 23 IN FULL.

24 2. Defendant's motion for summary judgment (Doc. 14) is GRANTED IN PART and
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26
 27 ² Plaintiff references *G & G Closed Circuit Events, LLC v. Snukal*, No. 21-55488; *G & G Closed*
 28 *Circuit Events, LLC v. Reto*, No. 21-56055; *G & G Closed Circuit Events, LLC v. Liu*, No. 21-56047;
 and *G & G Closed Circuit Events, LLC v. Segura*, No. 21-16381.

DENIED IN PART as follows:

- a) Defendant's motion is GRANTED as to Plaintiff's claim for violations of 47 U.S.C. § 553 (Count II).
- b) Defendant's motion for partial summary judgment is GRANTED as to Plaintiff's claim/prayer for enhanced statutory damages in relation to its claim under 47 U.S.C. § 553; and
- c) Defendant's motion is DENIED in all other regards.

3. To the extent that Defendant's "Objections to Magistrate Judge's Findings and Recommendations" may be construed as a motion to stay (Doc. 31), that motion is DENIED.

IT IS SO ORDERED.

Dated: **April 11, 2022**


UNITED STATES DISTRICT JUDGE